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THE ANDAMAN AND NICOBAR ISLANDS GRAM PANCHAYATS REGULATION, 1961

No. 4 OF 1961

Promulgated by the President in the Twelfth Year of the Republic of India.

A Regulation to provide for the establishment of Gram Panchayats in the Andaman and Nicobar Islands and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Islands Gram Panchayats Regulation, 1961. Short title, extent and commencement.

(2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands except the areas included in a municipality under the provisions of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957.

1 of 1957.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,—

(a) “adult” means a person who has attained the age of 21 years; Definitions.

(b) "Assistant Commissioner" includes the Revenue Assistant Commissioner;

(c) "building" includes a house, out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding 8 ft. in height) and any other structure, whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festival occasions or a tent;

(d) "case" means, in relation to a judicial proceeding, a criminal proceeding in respect of any offence triable by a Nyaya Panchayat under this Regulation;

(e) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;

(f) "Deputy Commissioner" means the Deputy Commissioner of the Andaman and Nicobar Islands;

(g) "Gram Sabha" means a Gram Sabha established under section 3;

(h) "land" includes land which is built upon or covered with water;

(i) "octroi" means a tax on the entry of goods into a village for consumption, use or sale therein;

(j) "Official Gazette" means the Andaman and Nicobar Gazette;

(k) "Panchayat" means a Gram Panchayat constituted under section 11;

(l) "Pradhan" and "Upapradhan" mean respectively the Pradhan and the Upapradhan of a Gram Panchayat;

(m) "prescribed" means prescribed by rules made under this Regulation;

(n) "public street" means a pathway, road, street, square, court, alley, cart track, foot-path or riding path over which the public have a right of way, whether a thoroughfare or not, and includes—

(i) the road-way over any public bridge or cause-way,

(ii) the foot-way attached to any such street, road, public bridge or cause-way,

(iii) the drains attached to any such street, road, public bridge or cause-way and the land which lies on either side of the road-way up to the boundaries of the adjacent property;

(o) "Sarpanch" and "Upasarpanch" mean respectively the Sarpanch and the Upasarpanch of a Nyaya Panchayat;

- (p) "Schedule" means a Schedule to this Regulation;
- (q) "suit" means a civil suit triable by a Nyaya Panchayat under this Regulation;
- (r) "tax" means a tax, cess, rate or other impost leviable under this Regulation, but does not include a fee;
- (s) "term of a Panchayat" means the period for which the members of a Panchayat shall hold office under section 21;
- (t) "village" means any local area recorded as a village in the revenue records and includes any area which the Chief Commissioner may, by general or special order, declare to be a village for the purposes of this Regulation.

CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF GRAM SABHAS

3. The Chief Commissioner may, by notification in the Official Gazette, constitute any village or group of villages into a Gram and establish a Gram Sabha for the Gram. Establishment of Gram Sabhas.
4. (1) A Gram Sabha shall consist of all adults ordinarily resident within the village or group of villages for which it is established: Constitution of Gram Sabha.

Provided that a person shall be disqualified for being a member of the Gram Sabha if he—

- (a) is not a citizen of India, or
- (b) is of unsound mind and stands so declared by a competent court.

(2) A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing in such village or is in possession of a dwelling house therein ready for occupation.

5. Every Gram Sabha shall, by the name notified in the Official Gazette under section 3, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation, have power to acquire, hold, administer and transfer property, both movable and immovable, and to enter into any contract and shall, by the said name, sue or be sued: Incorporation of Gram Sabha.

Provided that the powers and duties of the Gram Sabha shall, save as otherwise expressly provided in this Regulation, be exercised, performed and discharged by the Gram Panchayat constituted under section 11.

Alteration
in area of
Gram.

6. (1) The Chief Commissioner may, in consultation with the Gram Sabha or the Gram Sabhas concerned, at any time by notification in the Official Gazette,—

- (a) include any area in a Gram, or
- (b) exclude any area from a Gram, or
- (c) declare that any local area shall cease to be a Gram.

(2) Where, by a notification under sub-section (1), any area is included in a Gram, such area shall thereby become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in the area within the jurisdiction of the Gram-Sabha.

(3) Where, by a notification under sub-section (1), the whole of the area of a Gram ceases to be a Gram, the Gram Sabha shall cease to exist and its assets and liabilities shall be disposed of in the prescribed manner; and if a part of such area ceases to be a Gram, the jurisdiction of the Gram Sabha shall be reduced by that part.

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7. (1) A member of a Gram Sabha shall cease to be a member, if—

- (a) he is disqualified under section 4, or
- (b) the area where he resides has been excluded from the jurisdiction of the Gram Sabha, or
- (c) he ceases to be ordinarily resident within the jurisdiction of the Gram Sabha.

(2) Where any person ceases to be a member of a Gram Sabha under sub-section (1), he shall also cease to hold any office to which he may have been elected or appointed by reason of his being a member thereof.

Register of
members.

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8. On the establishment of a Gram Sabha, the Assistant Commissioner shall cause to be prepared a register in the prescribed manner of all persons ordinarily residing within the jurisdiction of the Gram Sabha; such register shall, among other things, contain the names of all persons entitled under section 4 to be members of the Gram Sabha on the date of its establishment and shall be revised at least once a year in the prescribed manner.

Meetings of
Gram
Sabha.

9. (1) Every Gram Sabha shall hold two general meetings in each year, one after the harvesting of the Kharif crop and the other after the harvesting of the Rabi crop:

Provided that the Pradhan shall, upon a requisition in writing by not less than one-fifth of the number of members, within thirty days of the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

(2) The Pradhan or, in his absence, the Upapradhan or, in the absence of both, any person chosen by the Gram Sabha shall preside at such meetings.

(3) The notice of the time and place of all meetings of the Gram Sabha shall be given in the prescribed manner.

(4) One-tenth of the total number of members of the Gram Sabha shall form the quorum for a meeting. Work at general meetings.

10. (1) The Panchayat shall place before the Gram Sabha at its Rabi meeting—

(a) the annual statement of accounts,

(b) the report of the administration of the preceding financial year,

(c) the development and other programmes of work proposed for the current financial year, and

(d) the last audit note and replies made thereto.

(2) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (1) and the Panchayat shall consider the suggestions, if any, made by the Gram Sabha.

(3) A Gram Sabha shall carry out such other functions as the Chief Commissioner may, by general or special order, require.

CHAPTER III

THE GRAM PANCHAYAT AND ELECTIONS

11. (1) As soon as may be after its establishment, every Gram Sabha shall elect from among its members an executive committee called the Gram Panchayat (hereinafter referred to as the Panchayat). Constitution of Panchayats.

(2) A Panchayat shall consist of such number of members, not being less than nine or more than fifteen, as the Deputy Commissioner may determine.

(3) In every Panchayat, two seats shall be reserved for women.

(4) If, for any reason, an election does not result in the return of the required number of qualified persons willing to take office, the Assistant Commissioner shall, as soon as possible appoint, from persons qualified to be elected, such number of persons as are necessary to make up the required number, and the persons so appointed shall be deemed to have been duly elected under sub-section (1).

(5) The area of a Gram shall be divided into such number of wards and the number of members of a Panchayat to be elected from each

ward shall be such as may be determined by the Deputy Commissioner.

Persons
qualified to
vote and be
elected.

12. (1) Every member of a Gram Sabha shall, unless disqualified under this Regulation or any other law for the time being in force, be qualified to vote at an election to the Panchayat or at a meeting of the Gram Sabha.

(2) Every member of a Gram Sabha shall, unless disqualified under this Regulation or any other law for the time being in force, be qualified to be elected to the Panchayat.

Disqualifica-
tions.

13. No person shall be a member of a Panchayat or continue as such if he—

(a) has failed to pay any tax, fee or other sum due to the Gram Sabha within three months from the date on or before which such tax, fee or other sum is required to be paid, or

(b) holds any salaried office or place of profit under the Gram Sabha or the Panchayat, or

(c) has directly or indirectly any share or monetary interest in any work done by or to the Panchayat or in any contract or employment with, under or by or on behalf of, the Gram Sabha, or

(d) is a servant of the Government or any municipality, or

(e) has been dismissed from the service of the Government or a municipality for misconduct, or

(f) is a leper, or

(g) has been removed from office under sub-section (1) of section 25 and five years have not elapsed from the date of such removal, or

(h) has been ordered to give security for good behaviour under section 109 or 110 of the Code of Criminal Procedure, 1898, 5 of 1898, or

(i) has been convicted by a criminal court of any offence involving violence or moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release.

Decision on
questions as
to disquali-
fication.

14. If any question arises as to whether a person has become subject to any disqualification referred to in section 4, section 7 or section 13, it shall be referred to the Deputy Commissioner for decision and his decision thereon shall be final.

15. No person shall simultaneously hold any office in the Panchayat and the Nyaya Panchayat.

Prohibition
P
against hold-
ing office.

16. (1) If the validity of any election of a member of a Panchayat is brought in question by any person qualified to vote at the election to which such question relates, such person may, at any time within 15 days after the date of declaration of the result of the election, apply to the Deputy Commissioner in such form as may be prescribed for the determination of such question.

Dispute as
to validity
of election.

(2) If, on receipt of an application under sub-section (1) and after making such inquiry as he considers necessary, the Deputy Commissioner is satisfied—

(a) that any member who has been elected was on the date of election subject to any of the disqualifications specified in section 13, or

(b) that any corrupt practice has been committed by any member who has been elected or by any other person with the knowledge and consent of such member, or

(c) that the result of the election, in so far as it concerns an elected member, has been materially affected—

(i) by any corrupt practice committed in the interest of the elected member by any person without the knowledge or consent of such member, or

(ii) by any non-compliance with the provisions of this Regulation or any rules or orders made thereunder,

the Deputy Commissioner shall declare the election of such member to be invalid, and such declaration shall be final:

Provided that no election of a member shall be declared invalid on the ground that such member committed a corrupt practice unless he has been given an opportunity to show cause against such declaration.

(3) Where the Deputy Commissioner declares the election of any member to be invalid on the ground that he committed a corrupt practice, the Deputy Commissioner may declare such member to be disqualified from exercising any electoral right or from being a member of any Panchayat for such period not exceeding five years as he may determine.

(4) A person shall be deemed to have committed a corrupt practice if he, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit or any threat of injury to any person.

Fresh election.

17. If the Deputy Commissioner declares the election of any member to be invalid, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Regulation.

Jurisdiction of civil courts in election matters barred.

18. No civil court shall have jurisdiction to question the legality of any action taken or any decision given by the Deputy Commissioner in connection with the conduct of elections under this Regulation.

Election of Pradhan and Upapradhan.

19. (1) On the establishment of a Panchayat for the first time under this Regulation or on the expiry of the term of a Panchayat or on its re-constitution, a meeting shall be called on a date fixed by the Assistant Commissioner for the election of the Pradhan and the Upapradhan.

(2) The Assistant Commissioner shall preside at such meeting but shall not have the right to vote.

(3) No business other than the election of the Pradhan and the Upapradhan shall be transacted at such meeting.

(4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Assistant Commissioner in such manner as he may determine.

(5) In the event of a dispute arising as to the validity of the election of the Pradhan or the Upapradhan, the dispute shall be referred to the Deputy Commissioner whose decision thereon shall be final.

Pradhan to be the executive.

20. The executive powers of the Panchayat under this Regulation and the responsibility for the due fulfilment of the duties imposed on the Panchayat under this Regulation and for carrying out the resolutions of the Panchayat shall vest in the Pradhan.

Term of office of Pradhan and other members.

21. (1) The members of a Panchayat shall hold office for a term of four years:

Provided that the Chief Commissioner may, by order in writing and for reasons to be recorded, extend the said term by a period not exceeding one year, and every such order shall be notified in the Official Gazette.

(2) The term of office of the members shall be deemed to commence on the date of the first meeting of the Panchayat which shall be held on a date fixed by the Assistant Commissioner.

(3) The term of office of outgoing members shall be deemed to extend to and expire with the date preceding the date of such meeting.

(4) The Pradhan and the Upapradhan shall hold office for the term of the Panchayat including the extended term, if any:

Provided that the Pradhan shall, after the expiry of his term continue to carry on the current duties of his office until a new Pradhan is elected and takes over charge.

22. (1) As soon as may be after the first meeting of the Panchayat, every member thereof shall take the oath of office before the Assistant Commissioner in the form set out in the First Schedule. Oath of Office.

(2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any Committee constituted by the Panchayat.

23. (1) Any member may resign his office by giving notice in writing to that effect to the Pradhan, and such resignation shall take effect from the date of its receipt by the Pradhan. Resignation of office.

(2) The Upapradhan may resign his office by giving notice in writing to the Pradhan, but the resignation shall not take effect until it is accepted by the Panchayat.

(3) The Pradhan may resign his office by giving notice in writing to the Assistant Commissioner, but the resignation shall not take effect until it is accepted by him.

24. (1) A motion of no-confidence may be moved by any member of a Panchayat against the Pradhan or the Upapradhan after giving such notice thereof as may be prescribed. Motion of no confidence.

(2) If the motion is carried by a majority of not less than two-thirds of the total number of members of the Panchayat, the Pradhan or the Upapradhan, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

(3) Notwithstanding anything contained in this Regulation, the Pradhan or the Upapradhan shall not preside over a meeting in which a motion of no-confidence is discussed against him, but he shall have a right to speak or otherwise take part in the proceedings of such meeting.

25. (1) The Deputy Commissioner may, after giving due notice to the Panchayat and after such enquiry as he thinks fit, remove from office any member of a Panchayat or the Pradhan or the Upapradhan who has been guilty of misconduct or neglect of duty or persistent remissness in the discharge of his duties; the Pradhan or the Upapradhan so removed shall not be eligible for re-election during the remainder of the term of the Panchayat. Removal from office.

(2) Any person who has been removed from his office by the Deputy Commissioner under sub-section (1) may, within thirty days from the date of the order, prefer an appeal to the Chief Commissioner against such order and the Chief Commissioner may, after giving the appellant an opportunity of being heard, modify, set aside or confirm the order of removal.

(3) An order passed by the Chief Commissioner on appeal shall be final.

(4) Where an appeal has been filed under sub-section (2), the Chief Commissioner may stay the operation of the order of the Deputy Commissioner till the appeal is disposed of.

**Casual
vacancy.**

26. Any casual vacancy in the office of the Pradhan, the Upapradhan or a member of a Panchayat shall be filled for the remainder of his term by election in accordance with the provisions of this Regulation.

**Officers and
servants
of the
Panchayat.**

27. (1) The Assistant Commissioner shall appoint a Secretary for every Panchayat or group of Panchayats and the Secretary so appointed shall be *ex officio* Secretary of the Gram Sabha or the Gram Sabhas concerned.

(2) The Panchayat may appoint such other officers and servants and in such number as may from time to time be necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the Assistant Commissioner.

(3) The terms and conditions of service of the Secretary and the other officers and servants shall be such as may be prescribed.

**Meetings of
Panchayats.**

28. (1) The time and place of meetings of a Panchayat and the procedure at such meetings shall be such as may be prescribed.

(2) A member of a Panchayat may, at any meeting, move any resolution and put questions to the Pradhan or the Upapradhan on matters connected with the administration of the Panchayat in the manner prescribed.

(3) No resolution of a Panchayat shall be modified, amended, varied or cancelled by the Panchayat within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Panchayat.

29. (1) Subject to such control and restrictions as may be prescribed, a Panchayat may appoint Committees for exercising such of its powers and discharging such of its duties and functions as it may specify. Committees.

(2) A Committee shall consist of not more than five members and may be dissolved or reconstituted for such reasons and in such manner as may be prescribed.

30. No act or proceeding of a Panchayat or of any Committee thereof shall be deemed to be invalid by reason only of the existence of any vacancy or defect in the constitution of the Panchayat or the Committee or of any informality in its proceedings. Proceedings not to be invalid.

CHAPTER IV

POWERS, DUTIES AND FUNCTIONS OF THE PANCHAYAT

31. (1) It shall be the duty of every Panchayat so far as the Gram Fund may allow to make reasonable provision within its jurisdiction in regard to the matters specified in the Second Schedule. Duties and functions.

(2) The Panchayat may also make provision for carrying out within the area of the Gram any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the residents of the Gram.

32. The Panchayat shall have control of all roads, streets, waterways, bridges and culverts which are situated within its jurisdiction not being private property or not being under the control of the Government and may do all things necessary for the maintenance and repair thereof, and in particular, may— Public streets and waterways.

(a) lay out and make new roads,

(b) construct new bridges and culverts,

(c) widen, open, enlarge or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads,

(d) deepen or otherwise improve waterways under its control, and

(e) cut any hedge or branch of any tree projecting on any public road or street.

Transfer of any work or institution to the Panchayat.

33. The Chief Commissioner may entrust to the Panchayat, the execution, maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority:

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Panchayat by the Government or such local authority.

Collection of land revenue, etc.

34. (1) Subject to such conditions as may be prescribed, the Chief Commissioner may, with the consent of a Panchayat, by notification in the Official Gazette, entrust to the Panchayat the functions and duties of collecting the land revenue and other dues recoverable as arrears of land revenue.

(2) Where any functions or duties are entrusted to a Panchayat under sub-section (1), the Chief Commissioner shall pay to such Panchayat collection charges at such rates as he may determine.

Village volunteer force.

35. (1) Subject to the rules made under this Regulation, a Panchayat may organise a village volunteer force consisting of able-bodied males residing in the Gram who are between the ages of 21 and 40 and who are willing to join the force and place such force under the command of a suitable person.

(2) The services of the village volunteer force may be utilised for general watch and ward purposes and in cases of emergency like fire, floods, out-break of epidemics or any other natural calamity.

(3) No member of the force shall be held liable for damages on account of any act done by him in the *bona fide* discharge of his duties as a member of such force.

Execution of contracts.

36. Every contract or agreement entered into by a Panchayat shall be in writing and shall be signed by the Pradhan and by two other members of the Panchayat and sealed with the common seal of the Gram Sabha.

CHAPTER V

FINANCE, PROPERTY AND ACCOUNTS

Gram Fund.

37. (1) There shall be a Gram Fund for each Gram Sabha and the same shall be utilised for carrying out the duties and obligations imposed upon the Gram Sabha or the Gram Panchayat by this Regulation.

(2) The following shall be credited to and form part of the Gram Fund, namely:—

(a) the proceeds of any tax or fee imposed under this Regulation,

(b) the contributions made by the Government or any local authority or person,

(c) all sums ordered by any authority or court to be credited to the Gram Fund,

(d) the income from securities in which the Gram Fund is invested,

(e) the share in the collection of land revenue or other dues of the Government,

(f) all sums received by way of loans or gift,

(g) the income derived from fisheries under the management of the Panchayat,

(h) the income from or proceeds of any property of the Gram Sabha,

(i) the sale proceeds of all dust, dirt, dung or refuse collected by the servants of the Panchayat,

(j) sums assigned to the Gram Fund by any general or special order of the Government,

(k) all sums received in aid of or for expenditure on any institution or service, maintained or financed from the Gram Fund or managed by the Panchayat.

(3) The amount in the Gram Fund shall be applied subject to the provisions and for the purposes of this Regulation and shall be kept in such custody as may be prescribed.

38. The Chief Commissioner may, subject to such conditions as he Grants.
may deem fit, make grants to the Panchayat for general purposes or
for the improvement of the Gram and the welfare of the residents
therein.

39. (1) All public property situated within the jurisdiction of a Property
Gram Sabha shall vest in and belong to the Gram Sabha and be vested in
under its direction, management and control. the Gram
Sabha.

(2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Panchayat and the Gram Sabha shall receive to the credit of the Gram Fund all dues levied or imposed in respect thereof.

Taxes
which may
be im-
posed.

40. (1) Subject to the rules made under this Regulation, a Panchayat may levy—

- (a) a tax on the owners or occupiers of buildings,
- (b) a tax on professions, trades, callings and employment,
- (c) a tax on vehicles other than mechanically propelled vehicles kept within the limits of the Gram,
- (d) a tax on sale of cattle within the limits of the Gram,
- (e) a theatre or show tax on entertainments and amusements,
- (f) a lighting tax,
- (g) a drainage tax,
- (h) octroi,
- (i) fees for sale of goods in markets, melas, fairs and festivals,
- (j) fee for grazing of cattle in grazing lands under the management of the Panchayat,
- (k) fee for providing the watch and ward of crops in the Gram,
- (l) licence fee for plying of public ferry.

(2) The taxes and fees referred to in sub-section (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

Appeal
against levy
of tax, etc.

41. Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the Assistant Commissioner within thirty days of the date of the order imposing such tax or fee.

Suspension
of levy of
tax or fee.

42. The Deputy Commissioner may, by notification in the Official Gazette, suspend the levy or imposition of any tax or fee and may at any time in like manner rescind such suspension.

Lease of
markets, etc.

43. It shall be lawful for a Panchayat to lease by public auction or private contract the collection of any fee on markets and bazaars if any such fee is imposed under section 40:

Provided that a lessee shall give security for the due fulfilment of the conditions of the lease or contract.

Recovery of
taxes and
other dues.

44. (1) When any tax or fee or other sum due to a Panchayat has become payable, the Panchayat shall with the least practicable delay cause to be sent to the person liable for the payment thereof a demand notice in the prescribed form for the amount due from him

and require him to pay the amount within thirty days from the date of such notice.

(2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed.

(3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the Panchayat may apply to the Tahsildar for its recovery as an arrear of land revenue.

45. Every Panchayat shall maintain accounts of its receipts and Accounts. expenditure in such form as may be prescribed.

46. (1) The Pradhan shall prepare annually, on or before such Annual estimate of income and expenditure of the Panchayat for the next financial year. Annual estimate of expenditure.

(2) The Panchayat shall, as soon thereafter as may be, consider the budget estimate and approve the same without any modification or with such modifications or changes as it may consider necessary.

(3) A copy of the budget estimate shall be forwarded without delay to the Assistant Commissioner but not later than the 1st March.

(4) The prescribed authority may at any time, whether before or after the annual estimate takes effect, make such amendments, modifications or changes therein as may appear to it necessary.

(5) No expenditure shall be incurred by a Panchayat unless it is included in the budget estimate which has been approved by the Gram Sabha.

47. (1) The accounts of every Panchayat shall be audited annually in such manner as may be prescribed. Audit.

(2) The audit shall be carried out by the Assistant Commissioner or such other officer as the Deputy Commissioner may appoint in this behalf, and the Assistant Commissioner or other officer shall, within one month of the completion of the audit, forward copies of the audit report to the Deputy Commissioner and the Panchayat.

(3) The Deputy Commissioner may, after considering the report and after making such further inquiry as he may consider necessary, disallow any item which appears to him contrary to law

and surcharge the same on the person making or authorising the illegal payment, and shall—

(a) if such person is a member of the Panchayat, proceed against him in the manner specified in sub-sections (2) and (3) of section 52, and

(b) if such person is not a member of the Panchayat, obtain the explanation of the person and direct such person to pay to the Panchayat the amount surcharged within a specified period; and if the amount is not paid within the specified period, the Deputy Commissioner shall cause it to be recovered as an arrear of land revenue and credited to the Gram Fund.

(4) Any person aggrieved by an order of the Deputy Commissioner under sub-section (3) may, within thirty days of the date of the order, prefer an appeal to the Chief Commissioner whose decision on such appeal shall be final.

Administra-
tion report.

48. (1) Every Panchayat shall submit annually to the Assistant Commissioner a report on the administration of the Panchayat during the previous year.

(2) The report shall be prepared by the Pradhan and after it is approved by the Panchayat shall be forwarded to the Assistant Commissioner with a copy of the resolution of the Panchayat thereon.

CHAPTER VI

CONTROL OF PANCHAYATS

Power to
call for
proceedings,
etc.

49. The Deputy Commissioner or the Assistant Commissioner shall have power—

(a) to call for—

(i). any extract from the proceedings of a Panchayat, or any book, record, correspondence or documents in the possession or under the control of a Panchayat,

(ii) any return, plan, estimate, statement, account or report for the purpose of inspection or examination; and

(b) to require a Panchayat to take into consideration—

(i) any objection which appears to the Deputy Commissioner or the Assistant Commissioner to exist to the doing of anything which is about to be done or is being done by such Panchayat, or

(ii) any information which the Deputy Commissioner or the Assistant Commissioner is able to furnish and which appears to the Deputy Commissioner or the Assistant Commissioner to necessitate the doing of a certain thing by the

Panchayat and to make a written reply to the said Deputy Commissioner or the Assistant Commissioner, as the case may be, within a reasonable time, stating its reasons for not desisting from doing such things.

50. If, at any time, it appears to the Assistant Commissioner that a Panchayat has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of that duty. If the duty is not performed within the period so fixed, the Assistant Commissioner may appoint any person to perform it and direct that the expenses of the performance of the duty shall be paid by the defaulting Panchayat within such period as the Assistant Commissioner may think fit.

Default in performance of duty by Panchayats.

51. (1) If, in the opinion of the Assistant Commissioner, the execution of any order or resolution of a Panchayat or the doing of anything which is about to be done or is being done by or on behalf of a Panchayat is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

Suspension of execution of order or resolution of Panchayat.

(2) When the Assistant Commissioner makes an order under subsection (1), he shall forthwith send to the Panchayat affected thereby a copy of the order together with a statement of the reasons for making it.

(3) The Assistant Commissioner shall forthwith submit to the Deputy Commissioner a report of the circumstances in which the order was made under this section and the Deputy Commissioner may, after giving notice to the Panchayat and making such inquiry as he deems fit, rescind, modify or confirm the order.

52. (1) Every member of a Panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the Gram Sabha to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

Liability of members for loss, waste or misapplication.

(2) If, after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Assistant Commissioner is satisfied that the loss, waste or misapplication of any money or other property of the Gram Sabha is a direct consequence of misconduct or wilful neglect on his part, he shall, by order in writing, direct such member to pay to the Panchayat before a fixed date, the

amount required to reimburse it for such loss, waste or misapplication:

Provided that no such order shall be made for *bona fide* or technical irregularities or mistakes of a member.

(3) If the amount is not so paid, the Assistant Commissioner shall recover it as an arrear of land revenue and credit it to the Gram Fund.

(4) An order of the Assistant Commissioner shall be subject to an appeal to the Deputy Commissioner if made within thirty days of the date of the order.

Dissolution
of Panchayat.

53. (1) If, in the opinion of the Chief Commissioner, a Panchayat—

- (a) exceeds or abuses its powers, or
- (b) is incompetent to perform, or makes wilful and persistent default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or
- (c) fails to levy the taxes leviable under this Regulation, or
- (d) persistently disobeys the order of the Assistant Commissioner made under sub-section (2) of section 51,

the Chief Commissioner may, by order published in the Official Gazette, dissolve the Panchayat and direct that it shall be reconstituted in the manner provided in this Regulation.

(2) No order under sub-section (1) shall be passed without giving to the Panchayat a reasonable opportunity to render an explanation.

(3) If a Panchayat is dissolved under sub-section (1), the following consequences shall ensue, namely:—

- (a) all the members of the Panchayat shall, from the date specified in the order, cease to be members;
- (b) all powers and duties of the Panchayat shall, during the period of dissolution of the Panchayat, be exercised and performed by such person or persons as the Chief Commissioner may appoint in this behalf;
- (c) the Nyaya Panchayat for the Gram shall be deemed to have been dissolved and all the members of the Nyaya Panchayat shall vacate office as from such date.

Disputes
between
Panchayats.

54. If any dispute arises between two or more Panchayats, it shall be referred to the Deputy Commissioner, and the decision of the Deputy Commissioner thereon shall be final.

55. The Chief Commissioner or the Deputy Commissioner may call for and examine the record of the proceedings of any officer or Panchayat for the purpose of satisfying himself as to the legality or propriety of any order passed and may revise or modify the order as he may deem fit.

Chief Commissioner or Deputy Commissioner may call for proceedings.

CHAPTER VII

NYAYA PANCHAYAT

56. (1) There shall be for every Gram a Nyaya Panchayat which shall consist of five persons to be elected by the members of the Panchayat from among themselves.

Constitution of Nyaya Panchayat.

(2) Three members of the Nyaya Panchayat shall form the quorum for a meeting.

57. Every member of a Nyaya Panchayat shall before entering upon his duties, take the oath of office in the form set out in the First Schedule before the Assistant Commissioner.

Oath of office.

58. Every Nyaya Panchayat shall elect from among its members a Sarpanch and an Upasarpach who are able to read and write Hindi.

Election of Sarpanch and Upasarpach.

59. The term of office of every member of a Nyaya Panchayat shall be co-terminous with the term of the Panchayat:

Term of Office.

Provided that the Sarpanch and the Upasarpach shall continue in office until they are relieved by their respective successors.

60. The Secretary of the Panchayat shall be *ex officio* judicial clerk of the Nyaya Panchayat for the purposes of recording its proceedings and decisions and performing such other duties as may be prescribed.

Judicial clerk.

61. Every Nyaya Panchayat shall have a seal bearing its name, the name of the tehsil and the district in which it is constituted; and all its decrees, orders, proceedings and processes shall bear the seal of the Nyaya Panchayat.

Seal of Nyaya Panchayat.

62. The Sarpanch, the Upasarpach or a member of a Nyaya Panchayat may resign his office by giving notice in writing under his hand to the Assistant Commissioner and his office shall thereupon become vacant.

Resignation of member.

Removal of
member
from Nyaya
Panchayat.

63. (1) The Deputy Commissioner may, after giving him an opportunity of being heard and for reasons to be recorded, remove any member of a Nyaya Panchayat, if in his opinion, such member has been guilty of misconduct in the discharge of his duties.

(2) Any person aggrieved by an order of the Deputy Commissioner under sub-section (1) may, within thirty days of the date of the order, appeal to the Chief Commissioner whose decision thereon shall be final.

Filling of
casual vacan-
cies.

64. Any vacancy arising in the office of member of a Nyaya Panchayat shall be filled by election, and the member so elected shall hold office for so long as the member in whose place he has been elected would have held office if the vacancy had not occurred.

CHAPTER VIII

POWERS OF NYAYA PANCHAYAT

Powers of
Nyaya
Panchayat.

65. A Nyaya Panchayat may exercise such of the powers mentioned in sections 66 and 68 as the Chief Commissioner may, by general or special order, specify.

Suits
triable by
Nyaya Pan-
chayat.

66. Subject to the provisions of section 65, a Nyaya Panchayat may take cognizance of all or any of the following suits, namely:—

(a) suits for money due on contract not affecting any interest in immovable property;

(b) suits for recovery of movable property or for the value thereof;

(c) suits for compensation for wrongfully taking or injuring movable property;

(d) suits for damages caused to standing crops by cattle trespass;

where the amount or value of the claim does not exceed Rs. 100.

Suits not
triable
by Nyaya
Panchayat.

67. A Nyaya Panchayat shall not have jurisdiction to try any suit—

(a) on a balance of partnership account;

(b) for a share or part of a share under any intestacy or for a legacy or part of a legacy under a will;

(c) by or against the Government or any local authority or an officer or servant of the Government or a member, officer or servant of a local authority in his official capacity;

(d) by or against a minor or a person of unsound mind.

68. Subject to the provisions of section 65, a Nyaya Panchayat may take cognizance of and try all or any of the offences specified in the Third Schedule including abetments of, and attempts to commit, such offences.

Offences cognizable by Nyaya Panchayat.

69. No Nyaya Panchayat shall take cognizance of any criminal case against a person where such person—

Certain offences not to be tried by a Nyaya Panchayat.

(a) has been previously convicted of an offence punishable with imprisonment of either description for a term of three years or upwards;

(b) has been previously fined for theft by any Nyaya Panchayat;

(c) has been bound over to be of good behaviour under section 109 or section 110 of the Code of Criminal Procedure, 1898;

5 of 1898.

(d) has been previously convicted under the Public Gambling Act, 1867;

3 of 1867.

(e) is a public servant.

70. (1) No Nyaya Panchayat shall try any suit or issue in respect of any matter which is pending for decision in, or has been heard and decided by, a court of competent jurisdiction in a former civil suit between the same parties or between parties under whom they or any of them claim.

Res judicata and pending suits.

(2) Where an accused person has been tried for any offence, no Nyaya Panchayat shall take cognizance of such offence or on the same facts of any other offence of which the accused might have been charged or convicted.

71. The decision of a Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

Effect of decision.

72. (1) The maximum penalties which may be imposed by a Nyaya Panchayat and the offences for which they may be imposed shall be as specified in the Fourth Schedule.

Maximum penalties.

(2) No sentence of imprisonment, whether substantive or in default of payment of fine, shall be imposed by a Nyaya Panchayat.

73. Instead of passing any sentence, a Nyaya Panchayat may discharge, after due admonition, a youthful offender who, in the opinion of such Nyaya Panchayat, is, at the time of conviction of the offence, under the age of sixteen years.

Youthful offenders.

Compensation to complainant.

74. In inflicting any fine under section 72, a Nyaya Panchayat may direct that the whole or any portion of the fine recovered shall be applied—

(a) towards defraying the expenses properly incurred in the case by the complainant, or

(b) in giving compensation to a person for any material loss or damage caused to him by reason of the commission of the offence.

Compensation to accused.

75. A Nyaya Panchayat may, if it is satisfied after enquiry that a case brought before it is false, frivolous or vexatious, order the complainant to pay the accused such compensation not exceeding rupees ten as it thinks fit.

Security for keeping the peace.

76. (1) Whenever the Sarpanch has reason to apprehend that any person within the jurisdiction of the Nyaya Panchayat is likely to commit a breach of the peace or disturb public tranquillity, he may, by order in writing, require such person to show cause why he should not be ordered to execute a bond with or without sureties for an amount not exceeding rupees one hundred for keeping the peace for a period not exceeding 15 days. The Sarpanch shall, after issue of such notice, refer the matter to the Nyaya Panchayat.

(2) If the Nyaya Panchayat is satisfied that it is necessary for keeping the peace that the person in respect of whom the notice has been issued should execute a bond with or without sureties, the Nyaya Panchayat shall make an order accordingly:

Provided that when the person in respect of whom the enquiry is made is a minor, the bond shall be executed by his sureties.

(3) If the Nyaya Panchayat is satisfied that it is not necessary for keeping the peace that such person should execute a bond, the Nyaya Panchayat shall make an order accordingly and shall discharge him.

(4) Nothing contained in this section shall affect the powers of a Magistrate to take security for keeping the peace under section 107 of the Code of Criminal Procedure, 1898.

5 of 1898

Contempt of Nyaya Panchayat.

77. (1) If any person intentionally offers any insult to a Nyaya Panchayat or any member thereof, while it is sitting in any stage of a judicial proceeding, in its or his view or presence or refuses to take oath duly administered or sign a statement made by the said person when legally required to do so, the Nyaya Panchayat may, at any time before rising on the same day, take cognizance of the offence and sentence the offender to a fine not exceeding ten rupees.

(2) The fine imposed shall be deemed to be a fine imposed in a case.

78. (1) No member of a Nyaya Panchayat who is a party to, or has any interest in, any suit or case shall sit on the Nyaya Panchayat while it is trying such suit or case. Certain persons not to sit on Nyaya Panchayat.

(2) Any dispute as to whether a member is a party to, or interested in, a suit or case shall, on a written application by a party to such suit or case, be referred to the Assistant Commissioner for decision; the decision of the Assistant Commissioner thereon shall be final.

79. (1) If any member of a Nyaya Panchayat is absent from any hearing, the remaining members may, notwithstanding anything contained in this Regulation, try the suit or case, provided that at least three members are present. Absence of member at hearings.

(2) No trial as aforesaid shall be invalid by reason merely that all the members were not present at any hearing, or that some of the members were not present at all the hearings, of such trial.

80. Save as otherwise provided in this Regulation, the Chief Commissioner may make rules to regulate— Conduct of business of Nyaya Panchayat.

(a) the conduct and distribution of business in and practice before a Nyaya Panchayat;

(b) the times and places of sittings of a Nyaya Panchayat; and

(c) any other matter which, in the opinion of the Chief Commissioner, is necessary for the proper and efficient conduct of proceedings before a Nyaya Panchayat.

CHAPTER IX

PROCEDURE IN CASES AND SUITS

81. (1) Any person who wishes to institute a suit or case before a Nyaya Panchayat shall make an application orally or in writing to the Sarpanch or, in his absence, to such other member of the Nyaya Panchayat as the Sarpanch may have appointed for the purpose and shall at the same time pay the prescribed fees. Suits and cases how instituted.

(2) Where the suit or case is instituted orally, the Sarpanch or other member shall without delay record the substance of the application in the prescribed register and obtain the signature or thumb impression of the applicant thereon.

Suits to include the whole claim.

82. (1) Every suit instituted before a Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring any suit within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of or relinquishes any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Limitation.

83. No suit shall be entertained by a Nyaya Panchayat after the expiration of one year from the time when the right to sue first accrued.

Complainant or plaintiff to attend next sitting of Nyaya Panchayat.

84. Every case or suit instituted shall be brought before the Nyaya Panchayat at its next sitting and the complainant or the plaintiff, as the case may be, shall, at the time of making the application, be informed of the time and place fixed for such sitting and directed to attend at that time and place.

Summons to be issued to accused or defendant.

85. The Nyaya Panchayat after hearing the application, shall cause a written summons in the prescribed form to be served on the accused or defendant, as the case may be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall, at the same time, direct the complainant or plaintiff to attend and produce his evidence at such time and place:

Provided that the Nyaya Panchayat may, after hearing the application and examining the complainant or the plaintiff, refuse to issue a summons and dismiss the complaint or suit, if it is satisfied that the case or suit is frivolous, vexatious or untrue.

Summons to witnesses.

86. (1) A Nyaya Panchayat may, if it considers the evidence of, or the production of document by, any person necessary in a case or suit, issue summons to such person requiring him to attend or to produce or cause the production of such document and such person shall be bound to comply with the directions contained in the summons.

(2) A Nyaya Panchayat may refuse to summon a witness or to enforce a summons already issued against a witness where in its opinion the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances would be unreasonable.

Service of summons.

87. (1) Every summons shall be in duplicate, signed by the presiding member of the Nyaya Panchayat and be served in the manner prescribed.

(2) If the defendant or accused is at the time of the issue of summons outside the Gram, the summons may be forwarded by the Nyaya Panchayat to the Assistant Commissioner who shall cause the summons to be served as if it were a summons from his own court.

88. (1) No pleader or vakil or advocate shall be permitted to appear on behalf of any party to any case or suit before a Nyaya Panchayat: Pleaders, etc., excluded from appearance.

Provided that any party to any such case or suit may be permitted, on reasonable cause being shown to the satisfaction of the Nyaya Panchayat, to employ any relation, servant, dependant or friend who is not, and who has not previously been, a pleader or vakil or an advocate to appear in lieu of such party.

(2) When a relation, servant, dependant or friend appears in lieu of a party, he shall be furnished by such party with a written authority defining the extent to which he is empowered to act.

89. A Nyaya Panchayat may, from time to time, adjourn the hearing of any case or suit: Adjournment.

Provided that such adjournment is, in its opinion, unavoidable or necessary for a just and equitable decision of the case or suit.

90. (1) If the complainant or plaintiff fails to appear, after having been informed of the time and place fixed for the hearing, the Nyaya Panchayat may hear and decide the case or suit in his absence. Disposal of cases and suits in absence of party concerned.

(2) A Nyaya Panchayat may hear and decide a case or suit in the absence of the accused or the defendant, if a summons has been served upon him in the manner hereinbefore prescribed:

Provided that no sentence shall be passed by a Nyaya Panchayat on any accused unless he has appeared, either in person or by a representative, before the Nyaya Panchayat and the substance of his statement has been recorded in the prescribed register.

(3) If, after the service of summons upon him, an accused fails to appear, either in person or by a representative, the Nyaya Panchayat may apply to the Sessions Judge who shall compel the accused to appear in person or by his representative before the Nyaya Panchayat as if he were a Court trying the case.

(4) Where an accused person has, under sub-section (3), been compelled to appear before a Nyaya Panchayat, the Nyaya Panchayat shall forthwith take his statement and thereafter his attendance at the hearing of the case shall not be compulsory.

Compromise
of suits
and com-
pounding of
cases.

91. (1) Where it is proved to its satisfaction that a suit has been adjusted wholly or in part by any lawful agreement, compromise or satisfaction, the Nyaya Panchayat shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith, so far as it relates to the suit.

(2) A Nyaya Panchayat may permit any case to be compounded: Provided that the offence is compoundable under the Code of Criminal Procedure, 1898.

5 of 1898.

Death of
parties.

92. When any party to a suit dies before a decree has been passed, the suit shall abate but a fresh suit may be brought on the same cause of action and the period during which the suit was pending shall be excluded in computing the period of limitation for the fresh suit.

Decision on
facts ascer-
tained.

93. (1) It shall be the duty of a Nyaya Panchayat to ascertain the facts of the case or suit before it after holding an inquiry in accordance with the provisions of this Regulation and the rules made thereunder.

(2) Nothing contained in any law relating to evidence or procedure shall affect the powers of a Nyaya Panchayat to hold such inquiry.

(3) After holding such inquiry, a Nyaya Panchayat may pass such order or decree as may in its opinion seem just and equitable, and such order or decree shall state the finding and record a brief statement of the reasons therefor.

Decision by
majority.

94. The decision of a Nyaya Panchayat shall be in accordance with the opinion of the members of the Nyaya Panchayat present at the sitting or of the majority of such members. If the members are equally divided, the person presiding shall have a second or casting vote.

Interest and
instalments.

95. (1) In suits for money, a Nyaya Panchayat may, in its discretion, direct payment of interest on the sum decreed, at a rate not exceeding six per cent. per annum, from the date of the decree until the date of payment and of any fees which may be prescribed.

(2) When a Nyaya Panchayat decrees the payment of a sum of money in a suit, it may direct that it be paid by instalments, without interest or with interest not exceeding the above rate.

Nyaya Pan-
chayat not
to revise or
alter its
decision.

96. (1) Except as provided in sub-section (2), a Nyaya Panchayat shall not have power to cancel, revise or alter any decree or order passed by it.

(2) On application made within one month from the date of the decree or order of a Nyaya Panchayat, the Nyaya Panchayat may, for reasons to be recorded in writing, restore any suit which has been

dismissed for default or in which an *ex parte* decree has been passed against the defendant.

97. (1) On application made by any of the parties or on his own motion, the District Judge in a suit and the Sessions Judge in a case may call for and examine the record or proceedings of a Nyaya Panchayat for the purpose of satisfying himself as to the legality or propriety of any order or decree passed or as to the regularity of the proceedings held by such Nyaya Panchayat.

No appeal against decree or order of Nyaya Panchayat but revision lies.

(2) If it shall appear to the District Judge or the Sessions Judge that the decree, order or proceedings so called for should be modified, cancelled or reversed, he may pass such order as he deems fit.

(3) The period for filing an application by any of the parties under sub-section (1) shall be thirty days from the date of the decree or order.

98. (1) When any Nyaya Panchayat is of opinion that any suit or case before it is of such nature, intricacy or importance that it ought to be tried by a Court or that the accused in a case ought to receive a punishment different in kind from, or more severe than, that which such Nyaya Panchayat is empowered to inflict, it shall stay proceedings and refer the suit or the case to the District Judge or the Sessions Judge, as the case may be, for orders.

Reference by Nyaya Panchayat to District or Sessions Judge.

(2) If the District Judge or the Sessions Judge is of opinion that a suit or case is of such nature, intricacy or importance that it ought not to be tried by the Nyaya Panchayat or that the accused in a case ought to receive a punishment different in kind from, or more severe than, that which such Nyaya Panchayat is empowered to inflict, such Judge shall pass orders directing the plaintiff or complainant to the civil or criminal court, as the case may be, competent to take cognizance of such suit or case.

(3) If the District Judge or the Sessions Judge is of opinion that the suit or case is not of such nature, intricacy or importance that it ought to be tried by a Court, or that the accused in the case ought not to receive a punishment different in kind from, or more severe than, that which such Nyaya Panchayat is empowered to inflict, such Judge shall return the suit or case to the Nyaya Panchayat which made the reference for disposal.

99. (1) The Sessions Judge in any case or the District Judge in any suit may at any time, by order in writing, quash any proceedings of a Nyaya Panchayat at any stage or cancel any order or decree passed by the Nyaya Panchayat.

Sessions Judge and District Judge may quash proceedings.

(2) When an order has been passed by the District Judge under sub-section (1), in respect of any suit, the plaintiff may institute a fresh suit for the same relief in a civil court, and the period from the date of the institution of the suit before the Nyaya Panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh suit.

(3) When an order has been passed by the Sessions Judge under sub-section (1), in respect of any case, proceedings in respect of the same offence may be instituted in the court of a magistrate having jurisdiction.

Finality of orders and decrees.

100. Every order passed by a District Judge or a Sessions Judge under this Regulation shall be final and shall not be subject to appeal, revision or review.

Procedure in proceedings before the District Judge.

101. Subject to the provisions of this Regulation, in regard to all proceedings under this Regulation, the Sessions Judge and the District Judge shall have the same powers and follow the same procedure as they respectively have and follow in regard to proceedings in connection with orders or decrees of courts subordinate to them in their ordinary jurisdiction.

Bar of jurisdiction of courts.

102. Save as otherwise provided, no court shall take cognizance of any offence or entertain any suit cognizable by the Nyaya Panchayat under this Regulation unless the Sessions or the District Judge has passed an order in writing under section 98 or 99.

Suits, etc., pending at expiry of term or dissolution of Nyaya Panchayat.

103. Where the term of a Nyaya Panchayat has expired or a Nyaya Panchayat is deemed to have been dissolved under section 53,—

(a) all cases and suits pending before the Nyaya Panchayat on the date of such expiry or dissolution shall,—

(i) if a new Nyaya Panchayat is constituted, be heard by it *de novo*, or

(ii) in other cases, be deemed to have been quashed under sub-section (1) of section 99 and the provisions of sub-section (2) or sub-section (3), as the case may be, of that section shall apply thereto;

(b) all pending proceedings and applications for the recovery of fine or compensation in cases, or for the execution of decrees or orders in suits, shall be transferred to the competent court having jurisdiction to try the case or suit and such court

shall deal with the proceedings or applications as if the case or suit out of which the proceedings or applications arose had been heard and decided by such court.

104. If, on the application of a decree-holder or judgment-debtor, a Nyaya Panchayat after enquiry, finds that the decree has been satisfied or adjusted, wholly or in part, the Nyaya Panchayat shall record the fact in the prescribed register. Satisfaction or adjustment of decree to be recorded.

105. (1) If, after a period of one month from the date of a decree, the decree remains unsatisfied or unadjusted, in whole or in part, the decree-holder may, within one year of the date of the decree, apply to the Nyaya Panchayat for execution. Execution through the Assistant Commissioner.

(2) On the application for execution, the Nyaya Panchayat shall certify to the Assistant Commissioner that the decree remains unsatisfied or unadjusted, in whole or in part, and on receipt of such certificate the Assistant Commissioner shall,—

(a) if the decree is for money, proceed to recover it as if it were an arrear of land revenue; or

(b) if the decree is for any specified movable property, cause the decree to be executed as if it were a decree of a civil court and in so acting may exercise all the powers of a civil court.

106. If the amount of fine or compensation under this Regulation is not fully paid, the Nyaya Panchayat shall certify accordingly to the Assistant Commissioner and on receipt of such certification, the Assistant Commissioner shall proceed to recover it as if it were an arrear of land revenue and shall remit the amount so recovered to the Nyaya Panchayat. Mode of recovery.

107. As soon as the amount of fine or compensation referred to in section 106 is realised by the Nyaya Panchayat, the amount so realised shall be entered in the prescribed register. Fine or compensation when realised to be recorded.

108. Every Nyaya Panchayat shall submit its annual report to the Chief Commissioner in such form and before such date as may be prescribed. Submission of annual report.

CHAPTER X .

MISCELLANEOUS

109. The Assistant Commissioner may authorise any of his officers to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Panchayat or any work in progress under its direction. Power of entry.

Bar of action against Panchayat, etc., and previous notice before institution.

110. (1) No action shall lie against any member, officer, servant or agent of a Panchayat or a Nyaya Panchayat acting under its direction, in respect of anything done in good faith under this Regulation or any rule or bye-law made thereunder.

(2) The provisions of the Judicial Officers' Protection Act, 1850⁸ of 1850, shall apply to the members of the Nyaya Panchayat.

(3) No action shall be brought against any Panchayat or Nyaya Panchayat or any member, officer, servant or agent of such Panchayat or Nyaya Panchayat acting under its direction for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing has been left or delivered at the office of the Panchayat or Nyaya Panchayat and also at the residence of the member, officer, servant or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action.

(4) Every such action shall be commenced within six months after the accrual of the cause of action and not afterwards.

Members, etc., of Panchayat to be public servants.

111. Every member of a Panchayat or Nyaya Panchayat and every officer and servant maintained by or employed under a Panchayat or a Nyaya Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860

Members to refrain from taking part at sales.

112. No member of a Panchayat or other officer having any duty to perform in connection with any sale under this Regulation shall directly or indirectly bid for, or acquire any interest in, any property sold at such sale.

Delegation of powers.

113. The Chief Commissioner may, by notification in the Official Gazette, authorise the Deputy Commissioner to exercise in respect of Panchayats any of the powers which may be exercised by the Chief Commissioner under this Regulation.

Powers and duties of police in respect of offences and assistance to Panchayats.

114. Every police officer shall give immediate information to the Panchayat of an offence coming to his knowledge which has been committed against this Regulation or any rules made thereunder and shall assist all members and servants of the Panchayat and the Nyaya Panchayat in the exercise of their lawful authority.

Classification and preservation of records.

115. Every Panchayat and Nyaya Panchayat shall classify and preserve its records in the manner prescribed,

116. Every Panchayat and Nyaya Panchayat shall, on application made to it by any person interested, allow inspection of its records, and grant certified copies thereof on payment of the prescribed fee.

Inspection and copies of records.

7 of 1870.

117. The provisions of the Court-fees Act, 1870, shall not apply to any proceedings before a Nyaya Panchayat.

Court-fees Act not applicable.

118. If any difficulty arises in giving effect to the provisions of this Regulation, the Chief Commissioner may, by order, make such provision as may appear to him to be necessary or expedient for removing the difficulty.

Removal of difficulties.

119. (1) The Chief Commissioner may, subject to the condition of previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the preparation, revision and publication of the register of members of a Gram Sabha and the particulars which it shall contain;

(b) the meetings of the Gram Sabha and notice of such meetings;

(c) the disposal of the assets and liabilities of a Gram Sabha which ceases to exist;

(d) the division of Grams into wards, the preparation and publication of electoral rolls and the conduct of elections to the Panchayat;

(e) the form of application disputing elections and the procedure for holding inquiry into election disputes;

(f) the conduct of meetings of Panchayats and the procedure for moving resolutions and putting questions at meetings of Panchayats;

(g) the appointment, powers, duties and conditions of service of the Secretary and other officers and servants of a Panchayat;

(h) the appointment of committees and their powers and functions;

(i) the form of notices to be issued and the manner of their service;

(j) the organisation of the village volunteer force and the fee that may be levied from residents for watch and ward services;

(k) the manner of holding inquiries;

(l) the manner of filing appeals and the hearing of such appeals;

(m) the custody and investment of the Gram Fund;

(n) the imposition and assessment of taxes and the realisation of taxes, fees and other dues;

(o) the form of demand notices and the manner of their service;

(p) the form of accounts to be maintained by Panchayats and of the annual budget estimates;

(q) the manner of audit of the accounts of Panchayats;

(r) the rates of fees and the purposes for which fees may be levied by a Nyaya Panchayat;

(s) the powers, duties and functions of the judicial clerk;

(t) the form of summons and the manner of their service;

(u) the registers and records to be maintained and the returns to be submitted by a Nyaya Panchayat and the particulars to be entered in such registers, records and returns;

(v) the fees to be levied by Panchayats and Nyaya Panchayats for copies of documents and the procedure to be followed in furnishing such copies;

(w) any other matter which has to be or may be prescribed.

Power to
make bye-
laws.

120. (1) Subject to the provisions of this Regulation and the rules made thereunder, the Deputy Commissioner may frame bye-laws—

(a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health;

(b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;

(c) to prevent damage to public streets;

(d) to regulate sanitation, conservancy and drainage in the area of the Gram;

(e) to prohibit or regulate the use of public streets or other public places by shop-keepers;

(f) to regulate the manner in which tanks, ponds and cess pools, pasture lands, play-grounds, manure pits, land for disposal for dead bodies and bathing places shall be maintained and used; and

(g) to regulate such other duties or functions of the Gram Panchayat as may be directed by the Chief Commissioner.

(2) Any bye-law made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten and in the case of a continuing contravention, with fine which may extend to rupees two for each day during which the contravention continues.

THE FIRST SCHEDULE**FORM OF OATH OF OFFICE**

(See sections 22 and 57)

I,, having been elected a member of
....., Panchayat/Nyaya Panchayat do
swear in the name of God/solemnly affirm that I will bear true faith
and allegiance to the Constitution of India as by law established, and
that I will duly and faithfully and to the best of my ability, knowledge
and judgment perform the duties of my office without fear or favour
or affection or ill-will.

THE SECOND SCHEDULE

(See section 31)

Matters within the jurisdiction of Panchayats**I. SANITATION AND PUBLIC HEALTH**

- (1) Sanitation, conservancy, disposal of carcasses of dead animals.
- (2) Removal of rubbish and keeping the village in clean condition.
- (3) Maternity and Child Welfare.
- (4) Destruction of stray and ownerless dogs.
- (5) Supply of water for domestic use and for cattle.
- (6) Construction and maintenance of public latrines.

II. PUBLIC WORKS

- (1) Construction, repair and maintenance of village roads, drains, bridges, etc.
- (2) Lighting of village and planting of trees.
- (3) Establishment and maintenance of markets.

III. EDUCATION AND CULTURE

- (1) The spread, supervision and improvement of education.
- (2) The establishment of parks, akhadas, libraries, recreation centres for promotion of art and culture.

IV. VILLAGE DEFENCE

- (1) Watch and ward of the village, and of the crops therein.
- (2) Prevention of fire, rendering assistance in extinguishing fires and protecting life and property when fire occurs.

V. ADMINISTRATION

- (1) The numbering of premises.
- (2) The control of cattle pounds.
- (3) Establishment, maintenance and regulation of fairs.
- (4) Preparation of plans for the development of village.
- (5) Collection of land revenue.

VI. SOCIAL WELFARE

- (1) Relief to the crippled and the destitute.
- (2) Propagation of family planning.
- (3) Organising voluntary labour (sharamdan) for community works.
- (4) Opening of fair price shops.

VII. AGRICULTURE

- (1) Farming and implementing programmes for increased agricultural production.
- (2) Improvement of agriculture and establishment of model agricultural farms.
- (3) Promotion of co-operative farming.
- (4) Sinking of wells, and minor irrigation works.
- (5) Improvement of cattle breeding and general care of livestock.
- (6) Afforestation of waste land to prevent erosion.

THE THIRD SCHEDULE

(See section 68)

OFFENCES TRIABLE BY A NYAYA PANCHAYAT

Under the Indian Penal Code, 1860

<i>Section</i>	<i>Brief description</i>
140	Wearing false uniforms
160	Affray.

<i>Section</i>	<i>Brief description</i>
172	Absconding to avoid service of summons or other proceeding.
174	Non-attendance in obedience to an order from public servant.
179	Refusing to answer public servant authorised to question.
277	Fouling water of public spring or reservoir.
285	Negligent conduct with respect to fire or combustible matter.
289	Negligent conduct with respect to animals.
290	Public nuisance in cases not otherwise provided for.
294	Obscene acts and songs.
323	Voluntarily causing hurt.
334	Voluntarily causing hurt on provocation.
341	Wrongful restraint.
352	Assault or criminal force otherwise than on grave provocation.
357	Assault or criminal force in attempt wrongfully to confine a person.
358	Assault or criminal force on grave provocation.
374	Unlawful compulsory labour.
379	Theft where the value of the subject matter does not exceed Rs. 50.
403	Dishonest misappropriation of property where the value of the subject matter does not exceed Rs. 50.
411	Dishonestly receiving stolen property where the value of the subject matter does not exceed Rs. 50.
426	Mischief.
428	Mischief by killing or maiming cattle, etc., of any value or any animal of the value of ten rupees.
430	Mischief by injury to works of irrigation or wrongfully diverting public water.
447	Criminal trespass.
448	House-trespass.
504	Intentional insult with the intent to provoke breach of the peace.
506	Criminal intimidation.
509	Words, gesture, or act intended to insult the modesty of a woman.
510	Misconduct in public by a drunken person.

<i>Section</i>	<i>Brief description</i>
	<i>Under the Cattle Trespass Act, 1871</i>
24	Forcibly opposing the seizure of cattle or rescuing the same.
26	Causing damage by cattle to land and crop and public road.)

Under this Regulation or the Rules and Bye-laws framed thereunder

Any offence under this Regulation or any rule or bye-law framed thereunder.

Under any other enactments

Any such compoundable offence as may by notification be declared by the Chief Commissioner to be cognizable by a Nyaya Panchayat.

THE FOURTH SCHEDULE

(See section 72)

OFFENCES AND MAXIMUM PENALTIES

- (a) Under the Indian Penal Code—for the offences specified in the Third Schedule, fine not exceeding Rs. 25.
- (b) Under the Cattle Trespass Act, 1871—for the offences specified in the Third Schedule, fine not exceeding Rs. 10.
- (c) Under this Regulation or the rules or bye-laws framed thereunder—fine not exceeding Rs. 10.

RAJENDRA PRASAD,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.

